

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

Grand Juror Doe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15-cv-00006-RWS
	)	
Robert P. McCulloch, in his official capacity	)	
as Prosecuting Attorney for St. Louis	)	
County, Missouri,	)	
	)	
Defendant.	)	

**MOTION FOR REFERRAL TO MEDIATION**

Pursuant to Local Rule of the United States District Court for the Eastern District of Missouri 6.01, Plaintiff requests this Court refer this matter for mediation. In support, she states:

1. Plaintiff seeks declaratory judgment that Missouri laws criminalizing her disclosure of information about the experience on a Missouri grand jury are unconstitutional as applied.
2. Defendant is the St. Louis County Prosecuting Attorney, sued in his official capacity, who Plaintiff alleges is charged with enforcement of the statutes she challenges.
3. On January 1, 2019, the current holder of the office of St. Louis County Prosecuting Attorney will cease to hold office. His successor in office will automatically be substituted as the defendant in this case. Fed. R. Civ. P. 25(d).
4. Plaintiff believes that the parties would benefit from an informal, non-binding dispute resolution process in which an impartial mediator facilitates negotiations among the parties to help them reach a settlement.

5. A referral to mediation would benefit all parties because, in light of the distinctive procedural history of this case, it has been pending for nearly four years and given the novel factual and legal issues presented is not likely to reach a final resolution soon. A referral would also provide the parties with the opportunity to resolve this matter without requiring this Court to make a determination regarding the constitutionality of Missouri grand jury secrecy laws.

WHEREFORE Plaintiff requests this Court enter an order referring this matter to mediation and allowing such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert  
Anthony E. Rothert, #44827MO  
Jessie Steffan, #64861MO  
ACLU of Missouri Foundation  
906 Olive Street, #1130  
St. Louis, Missouri 63101  
Phone: (314) 652-3114  
Fax: (314) 652-3112  
arothert@aclu-mo.org  
jsteffan@aclu-mo.org

Gillian R. Wilcox, #61278MO  
ACLU of Missouri Foundation  
406 West 34th Street, Suite 420  
Kansas City, Missouri 64111  
Phone: (816) 470-9933  
Fax: (816) 652-3112  
gwilcox@aclu-mo.org

D. Eric Sowers, #24970MO  
Ferne P. Wolf, #29326MO  
Joshua M. Pierson, #65105MO  
Sowers & Wolf, LLC  
530 Maryville Centre Drive, Suite 460  
St. Louis, MO 63141  
314-744-4010/314-744-4026 fax  
es@sowerswolf.com

fw@sowerswolf.com  
jp@sowerswolf.com

*Attorneys for Plaintiff*